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Right to development

Report of the Secretary-General

Introduction

1. In adopting resolution 52/136 of 12 December 1997, the General Assembly, *inter alia*, reaffirmed the importance of the right to development for every human person and for all peoples in all countries, in particular the developing countries, as an integral part of fundamental human rights, as well as the potential contribution its realization could make to the full enjoyment of human rights, and fundamental freedoms.

2. Noting the need for improved coordination and cooperation throughout the United Nations system for a more effective promotion and realization of the right to development, the General Assembly requested the United Nations High Commissioner for Human Rights, within her mandate, to continue to take steps for the promotion, protection and realization of the right to development by, *inter alia*, drawing on the expertise of the funds, programmes and specialized agencies of the United Nations system related to the field of development.

3. By resolution 52/136, the General Assembly also requested the Secretary-General to inform the Commission on Human Rights at its fifty-fourth session and the General Assembly at its fifty-third session of the activities of the organizations, funds, programmes and specialized agencies of the United Nations system for the implementation of the Declaration on the Right to Development, as well as obstacles identified by them to the realization of the right to development.

4. By the same resolution, the General Assembly called upon the Commission on Human Rights to continue to make proposals to the General Assembly, through the Economic and Social Council, on the future course of action on the question, in particular on practical measures for the implementation and enhancement of the Declaration on the Right to Development, including comprehensive and effective measures to eliminate obstacles to its implementation, taking into account the conclusions and recommendations of the Global Consultation on the Realization of the Right to Development as a Human Right, the reports of the Working Group on the Right to Development and the report of the Intergovernmental Group of Experts to elaborate a strategy for the implementation and promotion of the right to development.

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5. In accordance with Commission on Human Rights resolution 1997/72 of 16 April 1997, the secretariat sent a note verbale in December 1997, seeking information relevant to the implementation of the Declaration on the Right to Development.

6. At its fifty-fourth session, the Commission on Human rights had before it the report of the Secretary-General on the question of the realization of the right to development (E/CN.4/1998/28 and Add.1), which is made available to the General Assembly for its consideration at its current session.

I. New developments since the fifty-fourth session of the Commission on Human Rights

A. Replies received from Governments

7. Replies from the Governments of Cuba and Ghana were received on 18 March 1998 and 28 April 1998, respectively, in response to the secretariat's note verbale of December 1997, seeking information relevant to the implementation of the Declaration. As the Commission was in session and in view of the established procedures, those replies could not be issued then.

1. Cuba

8. Basing its reflection on the universality, indivisibility, interdependence and interrelationship of all human rights, the Government of Cuba believes that the best way to protect and promote human rights, in particular in developing countries, would be to take decisive actions for the effective realization of the right to development, perceived not only in terms of growth but also as poverty eradication.

9. In this context, it is essential to facilitate the dissemination of the Declaration on the Right to Development, encourage its mainstreaming into bilateral and multilateral programmes of cooperation, and, if necessary, establish appropriate machinery for an adequate follow-up of progress made and obstacles encountered in the implementation of the Declaration.

10. Special emphasis should be placed on dissemination within celebrations marking the fiftieth anniversary of the Universal Declaration of Human Rights; the inclusion of this Declaration in the International Bill of Human Rights could be a significant move in expressing the international community's commitment at the dawn of the twenty-first century.

2. Ghana

11. In its preliminary views and observations, the Government of Ghana, while recognizing that the Declaration on the Right to Development and the International Bill of Human Rights constitute a milestone in the construction of a universally accepted human rights architecture, believes that these instruments need to be revisited for the following reasons:

(a) The definition of "development" is ambiguous and therefore needs more clarity and precision;

(b) The expressions "individually" and "collectively" should be better defined so as to distinguish individual and collective rights, as well as States' rights.

12. The Government of Ghana concludes that the established machinery should endeavour to formulate proposals in ensuring sustainable development, through effective international cooperation to provide developing countries with the means and facilities to foster their development. It is convinced that Governments should undertake radical economic reforms in terms of the realization of economic, social and cultural rights of peoples, as enshrined in the International Bill of Human Rights and the Declaration.

B. Comments from United Nations bodies and specialized agencies

1. United Nations Development Programme

13. The United Nations Development Programme (UNDP) is committed to disseminating human rights and the right to development to all its entities, based on its policy document entitled "Integrating Human Rights with Sustainable Human Development". In this context, the role of UNDP is the development of a national capacity for the promotion of human rights through three main focus areas:

(a) Governance, which contributes to developing the national capacity for human rights promotion in governing institutions and provides support for human rights institutions in the public and private sectors, including non-governmental organizations;

(b) Human rights mainstreaming in all activities in the framework of sustainable human development;

(c) Human rights advocacy as part of the policy dialogue with Governments and supporting the follow-up to the major global conferences organized in the 1990s, bearing in mind the human rights perspective.

14. The memorandum of understanding signed between the Office of the High Commissioner for Human Rights and UNDP will serve as a catalyst in this process. A joint task force has been established in Geneva to follow up the implementation of the memorandum of understanding.

II. Status of implementation of the Declaration on the Right to Development

15. Over the past year, the right to development has gained recognition as an integral part of human rights and fundamental freedoms. The indivisible character of human rights necessitates an integrated approach in the quest for their realization. Within the Secretariat, this has been reflected in measures relating to mainstream human rights in United Nations activities, dealing principally with various aspects of economic and social rights. The establishment of the United Nations Development Group, in which the Office of the High Commissioner for Human Rights participates, has been a decisive step towards strengthening the human rights regime within the United Nations.

16. The Ad Hoc Working Group on the Right to Development established within the United Nations Development Group and chaired by the Office of the High Commissioner, has the mandate to develop:

(a) A common Development Group approach for enhancing the human rights dimension in development activities;

(b) A matrix outlining specific human rights goals for the Development Group as a whole as well as for individual members, including benchmarks and terms of accountability;

(c) A training module, in cooperation with the Office of the High Commissioner, for Development Group staff on the right to development and its implications for development operations.

17. At its fifty-fourth session, the Commission on Human Rights decided to submit for the approval of the Economic and Social Council the appointment of an independent expert with a mandate to submit to the Open-ended Working Group on the Right to Development, at each of its meetings, a study of the current state of progress in the implementation of the Declaration on the Right to Development.

18. The Office of the High Commissioner identified three phases in the working group's work:

(a) The Office shares with members of the Development Group its concept of the right to development and the manner in which it proposes to fulfil its responsibility as a catalyst for all related activities;

(b) Members of the Working Group define their respective fields of activity and agree on the human rights sector(s) to which they relate;

(c) The Working Group agrees on a plan of action based on selected country examples.

19. The ad hoc Working Group's first (organizational) session was held on 27 February 1998 at Headquarters. With respect to the mandate of the Working Group, it was decided that it would focus on the United Nations Development Assistance Framework, and that by September 1998 the Working Group would incorporate the right to development in the Framework's basic document. In this process, the Working Group will have to take into account the international human rights instruments as well as the follow-up to global conferences that have an impact on the right to development.

20. After completion of this first phase, the Working Group is to address the incorporation of the right to development in the training of country teams.

21. In addition to the one signed with UNDP, a memorandum of understanding has recently been concluded between the Office of the High Commissioner and the United Nations Population Fund. Moreover, an ongoing programme of activities is being pursued with the United Nations Conference on Trade and Development, the Joint and Co-Sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome, the Food and Agriculture Organization of the United Nations, and the United Nations Centre for Human Settlements, and cooperation with other agencies and programmes is being explored.